

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

NICHOLAS BERGERON and BARBARA
MYCEK, individually and on behalf of others
similarly situated,

Plaintiffs,

v.

ROCHESTER INSTITUTE OF TECHNOLOGY

Defendant.

Case No. 6:20-cv-06283

**DECLARATION OF THERESE
HANNIGAN IN SUPPORT OF
ROCHESTER INSTITUTE OF
TECHNOLOGY'S MOTION
FOR SUMMARY JUDGMENT**

I, THERESE HANNIGAN, declare:

1. I am the Chief Learning Experience Office for Rochester Institute of Technology ("RIT") in Henrietta, New York. During the spring 2020 semester, I was the Director of RIT Online. In my capacity as Director of RIT Online, I had responsibility for overseeing and administering the RIT Online program including its admission policies, tuition and fee rates, working with faculty to develop curricula, and coordinating student support services.

2. I am over the age of 18 and, if called to testify, would testify competently about the facts set forth herein.

3. The statements in this declaration are made upon my personal knowledge or review of business records created in the ordinary course of RIT's business, and in the control, possession, or custody of RIT.

4. RIT Online is an entirely separate program offering a limited number of courses and degrees targeted to a different demographic of students. While RIT's campus-based programs are targeted to generally full-time students pursuing their first Bachelor's degree, RIT Online is

designed for and targeted to part-time and non-traditional students, many of whom are pursuing graduate degrees, secondary degrees, or continuing professional education.

5. The RIT Online curricula are developed by faculty who also teach campus-based courses, but the RIT Online courses are specifically designed for an online audience and tailored to students who are typically working professionals.

6. During the spring 2020 semester, while RIT's campus-based programs offered 79 different degree programs across Bachelor's, Master's, and Ph.D. programs.

7. RIT Online offered 6 degree programs, only 1 of which was an undergraduate program. The RIT Online undergraduate program is an individualized studies program not offered to RIT campus-based students.

8. RIT Online's courses must be separately vetted and accredited by the State of New York Department of Education.

9. RIT Online provides limited student support services as compared to the resources available to campus-based students. RIT Online students do not have access to any student activities (whether or not those activities are supported through the RIT operating budget or the Student Activity Fee, which RIT Online students do not pay); a student government organization; campus resources such as security, library and research, or study spaces; enhanced accessibility services; or access to the campus facilities.

10. RIT Online students are not permitted to receive institutional financial aid from RIT. RIT Online students were not qualified to receive RIT merit scholarships, RIT grants, the graduate internship tuition rate, or the course audit rate.

11. RIT Online students do not receive institutional aid because the discounted tuition rate for RIT Online equals approximately the same net tuition and fees RIT campus-based students pay after deducting the institutional aid they receive.

I declare under penalty of perjury and under the laws of the United States that the foregoing is true and correct. Executed this ____ day of September 2022, in _____, New York.¹

THERESE HANNIGAN

¹ The declarant is currently out of the country. RIT will submit a signed declaration upon her return.